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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,926	11/14/2003	Dae-Sung Han	1594.1298	7662

21171 7590 12/03/2004  
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EXAMINER

PRICE, CARL D

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/706,926		HAN ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	CARL D. PRICE		3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-6 and 8-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 8-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>07/14/2004</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### Response to Arguments

Applicant's arguments with respect to claims 1, 2, 4, 5, 6 and 8-12 have been considered but are moot in view of the new ground(s) of rejection.

In the amendment filed on applicant has amended the scope of the claimed invention to be different than that previously considered.

The prior art reference of US1330209 (Massing) is now relied on to address the scope of the invention as now set forth in the claims.

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

*This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).*

**Claims 1, 2, 4, 5, 6 and 8-12: Rejected under 35 U.S.C. 103(a)**

Claims 1, 2, 4, 5, 6 and 8-12 are rejected under 35 U.S.C. 103(a) as being obvious over Hennick (Us005189945a) in view of JP '939 (JP 08-200939) and US1330209 (Massing).

US005189945 (Hennick) shows and discloses grill unit comprising a plurality of grill pipes (12) water tanks (19) connected to ends of the grill pipes to supply water into the grill pipes and covers (42, 42') to selectively open and close upper portions of the water tanks.

Hennicks shows and discloses the invention substantially as set forth in the claims with possible exception to 1) the guide members respectively extending from inner surfaces of hinged covers toward insides of the water tanks to guide condensed water formed on the inner surfaces of the covers into the water tanks, and 2) the covers, when closed, being downwardly sloped toward the guide members to allow condensed water formed on the inner surface of the covers to flow down toward the guide members.

JP '939 teaches, from the same stream container field of endeavor as Hennick, providing a guide member (29) extending from an inner surface, adjacent cover hinge connecting parts (31), toward insides of a water tank to guide condensed water formed on the inner surface of the cover into the water tank.

US1330209 (Massing) teaches, from the same covered container field of endeavor as Hennick, a cover (5) downwardly sloped toward the guide members (6) to allow

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condensed water formed on the inner surface of the covers to flow down toward the guide members.

In regard to claims 1, 2, 4, 5, 6 and 8-12, for the purpose of permitting ease of access to the water tanks and for guiding condensed water formed on the inner surface of the covers into the water tanks, to prevent dripping of the condensed water from the outer edges of the covers, it would have been obvious to a person having ordinary skill in the art to provide the covers of Hennick with hinge connections and guide members, extending from an inner surface and adjacent cover hinge connecting parts, in view of the teaching of JP '939. In regard to claims 4 and 8, for example, US1330209 (Massing) is taken that it is well known to slope container covers to aide in the flow of condensate along the inner surface of the cover (see also for example: Godel (U.S. Patent No. 3754116); Michaelis et al (U.S. Patent No. 2715898). It is further noted that Hennick (Figure 14) shows and discloses forming covers to be downwardly sloping. Thus, in view of the teaching of US1330209 (Massing), it would have been obvious to a person having ordinary skill in the art to modify the covers of Hennick to slope downward to aide the flow of condensate along the inner surface thereof, and to allow condensed water formed on the inner surface of the covers to flow down toward the guide members. In regard to claim 2, in particular, since the direction of the slope of the covers relative to the guide members would depend on numerous design concerns such as the shape of the tanks, the location of the hinges, shape of the cover, the direction in which the cover opens, etc., to arrange the covers to slope downward toward the guide members, and hinges, is therefore

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deemed merely a matter of choice in design absent the showing of any new or unexpected results produced therefrom over the prior art of record.

**Conclusion**

See the attached PTO FORM 892 for prior art made of record and not relied upon and which are considered pertinent to applicant's disclosure.

***THIS ACTION IS MADE FINAL***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See **MPEP § 706.07(a)**. Applicant is reminded of the extension of time policy as set forth in **37 CFR 1.136(a)**.

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to **37 CFR 1.136(a)** will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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**USPTO CUSTOMER CONTACT INFORMATION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CARL D. PRICE** whose telephone number is **571-272-4880**. The examiner can normally be reached on Monday through Friday between **6:30am-3:00pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on **703-308-1935**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (**PAIR**) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.

A handwritten signature in black ink, appearing to read 'Carl D. Price', with a large, stylized loop at the end.

**CARL D. PRICE**  
**Primary Examiner**  
**Art Unit 3749**

cp